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SUBJECT: DRC: 2008 CHILD LABOR INFORMATION FOR TRADE AND DEVELOPMENT ACT

REF: (A) 08 SECSTATE 127448  
(B) 08 KINSHASA 629

**¶11.** (U) Summary. The GDRC has made some institutional progress in combating the worst forms of child labor, but faces increasing economic obstacles and a deteriorating child soldier situation. The Ministry of Labor is responsible for enforcing child labor laws, but lacks the necessary capacity and resources to do so. End Summary.

#### CHILD LABOR LAWS AND REGULATIONS IN THE DRC

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**¶12.** (U) The GDRC created the National Committee to Combat the Worst Forms of Child Labor (NCCL) in June 2006. The Minister of Labor nominated new members to the NCCL in September 2008 from the GDRC, labor unions, professional organizations, NGOs, and civil society. The Committee's goals are to develop and assure the implementation of a national strategy to eliminate the worst forms of child labor. The minimum age for work in the DRC is eighteen years old. Anyone over the age of sixteen, but less than eighteen years old, is also permitted to work with certain restrictions. The Minister of Labor signed a decree in August 2008 that prohibits those between sixteen and eighteen years old from working more than eight hours per day, from working at night or on weekends, and from engaging in any hazardous work.

**¶13.** (U) The GDRC has ratified both ILO Conventions 138 and 182, and defines the worst forms of child labor in the August decree as: all forms of enslavement, trafficking, debt bondage, forced labor, or forced recruitment for armed forces; recruitment or use of children for prostitution, obscene dances, or production of pornographic materials; use or recruitment of children for the production or trafficking of illicit drugs; and any work that may have a negative impact on a child's health, security, or dignity.

#### IMPLEMENTATION AND ENFORCEMENT OF LAWS

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**¶14.** (U) Child labor law enforcement remains inadequate, particularly in the mining sector (Ref B). Children work illegally as artisanal miners and in other informal sectors. (See also Post's 2007 Human Rights Report.) The financial crisis and other factors have lead to many mining companies closing their operations over the past few months, which opens up the opportunity for artisanal and child miners to dig on their concessions. The government's capacity and willingness to meaningfully participate in the effort to enforce child labor laws are limited, and many firms operating in the sector, including Chinese and Indian-owned operations, have thus far shown little inclination to promote compliance with child labor laws. (Note: The U.S. Department of Labor provided a 3-year grant of USD 5 million in 2007 to the Solidarity Center and Save the Children UK to combat child labor in the mining sector through educational opportunities. End note.)

**¶5.** (U) The DRC's Ministry of Labor is the responsible body for investigating child labor abuses and employs ten inspectors in the mining region of Katanga province. There is no dedicated child labor inspection service, however, and the GDRC has no capacity to investigate and prosecute child labor violations. The Ministry of Labor, with the support of the International Labor Organization (ILO), organized a workshop in October 2008 to discuss the NCCL and capacity-building, but there are no resources for their new initiatives.

**¶6.** (U) The NCCL will take over responsibility for hearing child labor complaints from the DRC's criminal courts in 2009. NGOs and the ILO have reportedly been active in pushing prosecutors to bring cases against violators of child labor laws, but the GDRC did not process any official child labor investigations in 2008.

#### RELATED POLICIES AND PROGRAMS

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**¶7.** (U) The GDRC continued to demobilize child soldiers in 2008 through the UN's disarmament, demobilization, and reintegration (DDR) program. Armed groups continued to recruit children, however, to become soldiers and porters throughout 2008. UNICEF estimates that 5,000 children still need to be demobilized, down from 11,000 one year ago.

**¶8.** (U) The relatively high financial costs and loss of potential income for education continue to push children into the informal labor sector, because many parents are unable to simultaneously pay school fees and give up the income their children may earn to help support the family. For budgetary and political reasons, the Ministry of Education has been unable to implement plans, announced in 2005, to fund teachers' salaries, an action that would have

eliminated, at least in theory, the need for parents to pay the teachers. The USG continues to support programs to reduce the educational gap between boys and girls and to increase school attendance.

#### COMMENT AND PROGRESS REPORT

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**¶9.** (U) The GDRC has made some progress in combating child labor since 2007 with the full establishment of the NCCL. Enforcement continues to be lax due to institutionalized corruption and bureaucratic disorganization. The DRC's worsening economic conditions will have a negative effect on both GDRC capacity-building and families' ability to afford sending children to school instead of work. Child labor, especially in the artisanal mining sector, and child soldiering are likely to remain significant challenges.

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